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Lawyers

Tough Talk on Help For the Little Man

DALLAS—CRITICS of the legal profession are never in short supply. There's always someone ready to knock the lawyers about their fees and the way they conduct their business.

But at the National Conference of Bar Presidents here last week, the critics were the lawyers themselves. And they had some tough things to say about the way law is practiced and why it has to change.

Their message: Lawyers have turned their business into an industry geared to big issues and rich clients. Ordinary persons with small problems cannot get the legal help they need for a reasonable price. The lawyer's traditional role as counselor has deteriorated because lawyers are too busy putting out quality paperwork. The profession has failed to tell the public about its legal needs. And the public still sees the lawyer as an unapproach-

able authority figure in a plush office and a pin-striped suit.

The real crunch comes for the middle-class. Expensive cars and homes can be bought on installment. Lawyers, however, are tailor-made, high-priced and paid-on-delivery.

Lawyers have heard this talk before. But their response—so far, anyway—has been slow at best.

"Sometimes we take ourselves too seriously, especially when we talk about our own practice of law," said Thomas S. Johnson, the chairman of the American Bar Association's Consortium on Legal Services and the Public.

He warned the bar leaders, "The American public is running out of patience and we are running out of time."

Johnson and three other speakers put the question of what should be done to about 300 bar presidents and executives who filled a ballroom one morning for a session on economics of law practice and legal needs—part of the ABA's 101st annual meeting here.

"We are not serving a vast portion of the public with legal services," said one of the speakers, Gary C. Huckaby, chairman of the ABA's committee on delivery of legal services.

"We'd have no respect for the medical profes-

sion if they refused to treat an infected finger," he said. But the lawyers have no efficient—and affordable—way to treat complaints about things like broken refrigerators and car warranties. Those kinds of cases don't lend themselves to "economical solutions," Huckaby told the lawyers.

One solution, Huckaby said, would be for the organized bar to try to get lawyers to accept those kinds of cases on an "assigned risk basis" for a reduced fee. Others suggested that lawyers agree to take fees on installment plans, start group legal practices—like doctors—and support prepaid legal plans.

The lawyers also have to make contact with the public, inform them about potential legal problems and then see to it that legal services are delivered.

"The ordinary person is afraid of legal problems, afraid of conflict and afraid of lawyers," Yale Law School Professor Geoffrey C. Hazard Jr. told the lawyers.

But while the legal profession is familiar with those concerns, it is also reluctant to change its ways.

"The dominant tendency is to [maintain the status quo] so we render legal services tomorrow in the [same] form and measure as they were rendered by our forefathers," Hazard said.

The lawyers know the clients are unhappy about fees and services, said Dean David T.

Link of the University of Notre Dame Law School. And the lawyers are unhappy with the growing management tasks of their jobs. Many lawyers are "slipping," Link told the bar leaders. "They're becoming mechanics" instead of being counselors.

But the practice of law can be streamlined with sophisticated office hardware that can improve services, lower fees and make "attorneys happy to be lawyers," Link said.

"Good lawyers are concerned about quality—not time or efficiency—but they fail to realize that part of quality is reasonable price," Link said.

Maybe lawyers could make better use of fancy equipment—if they can afford to buy it—and maybe that will result in more reasonable fees.

The real question is whether the legal profession will continue to leave the business of ordinary problems to young lawyers, the solo practitioners and the legal clinics, or whether it decides that the bar as a whole should share in this unprofitable responsibility to the public.

At this point, the best the lawyers can say is that they're thinking about it.

Adm. Stansfield Turner, the director of the

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